



CITY OF MORGAN HILL

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

PLANNING COMMISSION MINUTES

REGULAR MEETING

JANUARY 11, 2000

PRESENT: Kennett, Lyle, McMahon, Mueller, Pinion, Ridner, Sullivan

ABSENT: None

LATE: None

STAFF: Planning Manager (PM) Rowe, Associate Planner (AP) Linder, Assistant Planner (AP) Tolentino, Deputy Director of Public Works (DDPW) Struve, Associate Engineer (AE) Creer, Associate Engineer (AE) Behzad, Housing Program Coordinator (HPC) Balderas, Police Captain (PC) Sullivan, Deputy Fire Marshal (DFM) Hokanson, and Administrative Secretary Smith.

SPECIAL MEETING

Chairman Pinion called the regular meeting to order at 5:12 p.m.

DECLARATION - POSTING OF AGENDA

Administrative Secretary Smith certified that this meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

PUBLIC COMMENTS

Chairman Pinion opened the meeting to public comments.

There being no comments, the public comments was closed.

MINUTES

**DECEMBER 14,
1999**

ON A MOTION BY COMMISSIONERS MUELLER/KENNETT, THE MINUTES FOR THE DECEMBER 14, 1999 MEETING WERE APPROVED BY A VOTE OF 7-0 AS WRITTEN.

NEW BUSINESS

1) OPEN SPACE AUTHORITY

The Santa Clara County Open Space Authority (Authority) is in the process of updating the Five Year Open Space Plan (Plan). The Authority is requesting participating

jurisdictions to review their current list of recommendations for open space acquisition, and forward any additions/modifications to the Authority by February 18, 2000 for their consideration. Recommendations are requested to be made by resolution of the governing body. PM Rowe presented the staff report.

COMMISSIONERS LYLE/MUELLER MOTIONED TO APPROVE THE OPEN SPACE AUTHORITY UPDATES AS RECOMMENDED BY STAFF. THE MOTION WAS APPROVED BY MINUTE ACTION ON A VOTE OF 7-0.

**2) SR-99-21:
BUTTERFIELD
ARCTEC/
SOUTH BAY
DEVELOPMENT**

A request for further consultation on the building design for a light industrial building the southwest corner of the future Butterfield Blvd. extension and Central Avenue. PM Rowe reviewed the modifications made by the applicant, as well as the changes the applicant is now willing to incorporate. He stated that Staff does not feel the changes made by the applicant are fully responsive to the direction given by the Commission at the November 9, 1999 meeting. PM Rowe requested further direction from the Commission based on the new proposed building design.

The discussion of this item was deferred to the 7 p.m. meeting session in order to give the applicant, Sandy Harris, an opportunity to arrive and speak on behalf of the new building design.

LEGALLY NOTICED PUBLIC HEARINGS:

**3) RDCS
APPLICATIONS**

The following Measure P (MP) applications have requested building allocations for fiscal year 2001-2002 under the city's Residential Development Control System, pursuant to Chapter 18.78 of the Morgan Hill Municipal Code. PM Rowe gave an introduction of this year's Residential Development Control System competition. He noted that there are 20 applications competing, of which 12 would be considered at tonight's meeting. The public hearings for the remaining 8 applications are scheduled for the January 18, 2000 Planning Commission Meeting. PM Rowe summarized the staff-review process of the applications; noted the corrections made to his December 22, 1999 staff report; and presented the recommended public hearing procedures. He advised the Commission that the City Staff involved with the review and scoring of the applications were present and prepared to answer any questions they may have with regard to the preliminary point assignments.

PM Rowe then reviewed the methodology Staff used to score the evaluation categories which contained new scoring criteria for this year's competition. He then recommended that the Commission hold discussion regarding the global issues related to the new criteria, and provide Staff direction for the scoring methodology they considered different than Staff's interpretation.

Commissioner Lyle confirmed that the Cerro Verde project received credit under the Schools category for a prior improvement because the School District followed the rule that a project in its last phase receives consideration for the improvements made by the project to-date. Commissioner Lyle stated that he disagreed with this criteria, and stated that he felt that the improvements should be considered on a project-to-date basis. He

expressed concern with how a very large project could ever get to its final phase if its points drop down in the middle of the development, causing the project not to receive allocations. He recommended that the Commission address this criteria as a global issue, and decide whether or not the improvements should be considered on a project-to-date basis. Commissioner Lyle further stated that this criteria effects the scoring of a number of projects and that an inequity exist. He stated that he felt that this global issue should be resolved at this time, pointing out that in the case of the Cerro Verde project, that they are getting points for an earlier phase, and that there are other projects that may have done more, but because they are not in their last phase, they do not get points.

PM Rowe added that Commissioner Lyle's point assumes that the project keeps relying on the original public facilities improvements and the project never augments those with other improvements. He further stated that with respect to the Cerro Verde project, that they are indeed in their final phase, so the project is looked at on a cumulative basis for scoring purposes, but also that the cost spread out over the total project is still to the threshold that the District feels warrants the points recommended. Commissioner Lyle said that he had no problem with that, but he felt that the same rule should be applied to all of the projects on a project-to- date basis.

IT WAS THE CONSENSUS OF THE MAJORITY OF THE COMMISSION TO DISCUSS THE GLOBAL ISSUES UNDER THE SCHOOLS CATEGORY AT THIS TIME, AND THAT THE OTHER GLOBAL ISSUES WOULD BE DISCUSSED AS THEY ARE RAISED.

Schools Global Issues Discussion

Commissioner Mueller commented that there will be several multi-phase projects over the next years. He stated that he would very much like to see the applicants provide a Master Plan of the entire project site at the time the Measure P application is initially submitted. He added that the Master Plan should indicate everything the applicant plan to do in every phase, so when the project application is being reviewed, credit could be given for the improvements that are being made under the Schools and Public Facilities criterion because all the homes are going to contribute to those facilities improvements. Commissioner Mueller also stated that he felt his suggestion would allow the project to be fully evaluated at the time the original application is submitted, and would avoid the problem of having to keep going back to those items for review. He particularly felt that in the case of the Schools category, he felt that those facilities should be looked at on what the project is contributing to-date. Commissioner Sullivan questioned how the point system would be determined, adding that essentially front-loading of the project would have to occur. Commissioner Mueller stated that he would be fine with that system, because the applicant will very likely want to phase the improvements through the project phase that make sense. He said that the problem with the other method is that when they are ranking up or ranking down, particularly on the east side, what happens is that you get a bogey, then everyone on the east side now knows what they need to do to get the points. Commissioner Mueller continued by saying that suddenly the applicants are going to tier down through the project and be faced with having to figure out, after the project has been designed, what will need to be done in order to continue increasing their points. He stated

that the bogey never goes away, and he feels it puts the developers at a disadvantage. Commissioner Mueller stated that once a project begins, that he would like for the project to continue to build every year until it is done.

Chairman Pinion stated that he agreed with Commissioner Mueller's comments, but felt that if his method is implemented, applicants would have to be aware of this at the beginning of their Measure P application, so it seemed to him that this issue is something for reevaluation and implementation for the next competition. Commissioner Lyle also agreed that Commissioner Mueller's comments are a good concept and the direction that they should proceed in, but it is not the ground rule laid down at the beginning of this year's competition. He also indicated that in the case of some of the improvements, it is difficult for the developer to decide what he is going to do because the School District is telling the developers the same improvements. He added that there are going to be multiple people claiming the "same improvement", and by the time they get to a certain phase, someone may have already made that improvement. Commissioner Lyle also noted that he was not sure about the issue whether projects that have already done major improvements should be grandfathered in, or whether they will be reset at zero and credit not given for any previous improvements. Commissioner Sullivan inquired if there are specific projects in this year's competition that are in phases II or III that far exceeded their minimum contribution requirement of \$1,000 per unit in previous phases of their project that should receive extra points, and stated that if so, perhaps Staff could be requested to evaluate and advise the Commission if there are cases where this issue exist and should be reevaluated, adding not for this's year's projects, but for historical competitions for the project.

Commissioner McMahon stated that she agreed with Commissioner Sullivan's comments, but that she also felt that as long as the applicants for this year's competition are playing on the "same playing field", that she did not feel that it is an issue that they needed to address at this particular time. She recommended that if there are applicants that feel that they far exceeded their contribution to any particular category, that this would be a perfect opportunity for the applicant to make an argument for Staff to reevaluate their overall contributions, and that Staff look at those projects and bring those that are considered to have in fact far exceeded their contributions back to the Commission to look at as an exception for the awarding of points.

IT WAS THE CONSENSUS OF THE MAJORITY OF THE COMMISSION, FOR STAFF TO REVIEW THE SCHOOLS CATEGORY CRITERIA B2B AND B2C GLOBAL ISSUES FOR ALL THE PROJECTS TO DETERMINE IF THE PUBLIC PEDESTRIAN SAFETY IMPROVEMENTS THAT WERE PUT IN DURING THE INITIAL PHASES STILL REACH THE SAME METRIC OF \$1,000 PER UNIT THRESHOLD, AND IF SO, THEN RECOGNITION IS THEN GIVEN FOR THOSE IMPROVEMENTS IN THE LATER PHASES.

a) **MP-99-12: HALE-MADRONE CROSSING:** A request for Measure P allocations for Fiscal Year 2001-2002. The project consists of 44 single family residential dwellings on a portion of a 51.73 acre site on the south side of Tilton Avenue between Monterey Road and Hale Avenue. PM Rowe gave a brief description of the project,

recommending a 1 point increase each in the Orderly and Contiguous and the Lot Layout categories, and stated that adjustments in the Open Space criterion resulted in no change in the overall total points for that category.

Chairman Pinion opened the public hearing to comments.

Rocke Garcia, project applicant, 100 E. Third Street, addressed the Commission regarding the global issue of the calculation of building coverage. He requested 1 point under the Open Space category because a bonus point was not given for the method he used in calculating the development of phases III and IV of the project. Mr. Garcia explained that when they calculated the building coverage, because they had already dedicated the central park in phases I and II, and that phase II will take in the large park at the edge of Santa Teresa and Hale, that he felt that dividing the entire number of lots that they are now doing by the given average to the open space, that they are well within the 25% which would entitle them to 8 points. Mr. Garcia stated that he would like to sit down with Staff and review the calculations. He then spoke about the historical aspects of the Madrone Crossing property, and requested the Commission's consideration of awarding 2 points under the Natural and Environmental Features criterion B1e.

Bill McClintock, project architect, spoke firstly regarding the global issue of the Schools category with respect to the scoring of the Mello-Roos District. He stated that if the School District allowed you to join the Mello-Roos District, that he would agree that points should be given to those projects within the district. However, he stated that if the School District do not allow you to annex into the Mello-Roos District, then he feels that an unfair "playing field" exist. Mr. McClintock indicated that he feels that it would be an unfair advantage because over the years the School District has allowed the Measure P applicants that said that they would join the Mello-Roos District to pay the in lieu fee instead. Those applicants would be in a position today where they would have 2 more points if they had annexed. He also questioned whether it was fair to include this new criteria in this year's competition since it was delayed.

Mr. McClintock then addressed the project specific issue under the Schools category criterion B2ai. He stated that the project was not awarded the point because Tilton Avenue is considered a collector street. He noted that since the General Plan is in the process of being reviewed, that there is a very strong likelihood that Tilton Avenue will not be considered a collector street as it is now designated. He reviewed the diagrams from the General Plan Task Force Committee for the Commissioners. He also pointed out that the Gomes property is being proposed as an industrial development, and being designed as a cross-intersection that will provide the infrastructure that will be necessary to get the traffic from Santa Teresa to Monterey. Mr. McClintock continued by stating that Mr. Garcia has been required, as a condition of getting his final map for Phases I and II, to widen the road of Santa Teresa across it's frontage to conform with the new General Plan. He concluded by stating that it is an unusual situation, and therefore, requested special consideration by the Commission to award the 1 point for criterion B2ai. Mr. McClintock responded to several questions from the Commission.

The public hearing was closed to further comments.

PM Rowe explained Staff's position on the status of Tilton being designated as a collector street, by stating that he felt that the designation of Tilton as a non-collector street should have been completed prior to October 1, 1999. PM Rowe also pointed out that the issue of Santa Teresa is still under discussion with the applicant and the builder on the site, because implementation of the right-of-way would impact Fisher Creek, and that the possibility exist that there will be a shifting of the roadway towards the opposite side of the site. He indicated that Staff felt it premature in both instances to acknowledge "what might be" and award points on that basis. PM Rowe addressed questions from the Commission. With regard to the historic site aspects, Commissioner Sullivan commented that her interpretation of what she would consider the purpose of criterion B1e under the Natural and Environmental Features category would be to retain some of the historic contents, rather than replace it with a plaque.

PM Rowe also provided comments on the Mello-Roos District issue, indicating that the 2 points are considered to be "opportunity points". The fact that there are 2 points given if you are within the Mello-Roos District does not preclude the applicant, after this years competition, to approach the School District, workout an agreement to annex their project site within the Mello-Roos District, in which case Staff could acknowledge the 2 points as long as the project is within the District by October 1, 2000. PM Rowe answered questions from the Commission.

Commissioner Sullivan questioned whether under the Lot Layout category criterion B1e, if in this particular phase there was any recognition or value given to the common lots. AP Linder responded that there was not. AP Linder stated that she focused on how this project relates to adjoining properties as they are developed now and in the future. She also indicated that the commons were a part of the earlier phase.

Commissioner Lyle raised the following global issues: 1) Parks and Paths criterion B6, stating that this project is referencing the senior facility, which is not part of this application. He stated that credit should not be given for that amenity. Commissioner Lyle stated that there are several other projects that are asking for credit for the same circumstances, and that it is clearly in the criterion that credit is given for future external projects, not current or future amenities for their project. He added that those projects also should not be given points for that consideration, even though they still may be worthy of the point independently of that specific criteria. 2) Housing Types criterion B3, Granny units. He stated that the 50% variation of the base housing size for the 4200 sq. ft. larger units for this project includes a granny unit, in which case if the square footage of the granny unit is subtracted from the base housing size, it would not meet the 50% variation requirement. He noted that if the granny unit is optional, then they would get credit, but not under the Housing Type category. Commissioner Lyle said that he identified at least 4 other projects with the same problem. Potentially 2 points could be lost; 3) Lot coverage - He noted that where Staff indicates 40%, that there is a difference in points for 39.9% or 40.1%. PM Rowe stated that Staff have already made the adjustments required.

Commissioner Lyle also raised the following issues specific to this project: 1) Parks and Paths criterion B2 - The senior amenities that are listed are not part of this application.

He was not sure that this item is calculated correctly, as the senior amenities should not be included. DDPW Struve responded to Commissioner Lyle's concern, stating that after reviewing the calculations, that the item is still entitled to the 1 point under criterion B2, even after eliminating all of the senior amenities. Commissioner Sullivan added that the wording "senior amenities taken out" should be noted in criteria B2 and B3 under the Parks and Paths category. **STAFF WAS REQUESTED TO REVIEW THE CALCULATIONS FOR THE SCORING OF CRITERION B3 UNDER THE PARKS AND PATHS CATEGORY.** 2) AP Linder responded to Commissioner Lyle's inquiry regarding whether the density transition was met, and whether the average lot size of 12,000 sq. ft. is considered on a project-to-date basis, or on the overall Master Plan. She stated that the project did not meet the RPD requirement of 12,000 sq. ft. for the overall Master Plan, but that it did meet the RPD criteria for the phase that they requesting at this time. AP Linder stated that she did not deduct a point under transition because she looked at transition on the basis of how the project related to the surrounding properties and the zoning. She indicated that she did, however, deduct 1 point under the other criteria dealing with whether it was superior, above average or below average.

RECESS

Chairman Pinion adjourned the meeting to a recess at 6:30 p.m.

REGULAR MEETING (CONTINUED) - 7:00 P.M.

Chairman Pinion reconvened the meeting at 7:00 p.m.

PM ROWE STATED THAT STAFF WOULD RELOOK AT THE PARKS AND PATHS CRITERION B.3 DEALING WITH THE SCORING MINUS THE SENIOR AMENITIES, AND THAT STAFF WOULD ALSO BE LOOKING AT THE GLOBAL ASPECT OF THE CREDIT FOR FUTURE DEVELOPMENT THAT IS FOR THE FUTURE PHASE OF THE SAME PROJECT, AS IT WAS THE CONSENSUS OF THE COMMISSION THAT POINTS SHOULD NOT BE GIVEN ON THOSE BASIS. IT WAS ALSO THE COMMISSION'S CONSENSUS THAT IF GRANNY UNITS ARE PART OF THE MAIN RESIDENCE AND ARE NOT OPTIONAL, THAT THE FLOOR SPACE SHOULD BE CONSIDERED AS PART OF THE OVERALL UNIT SIZE AND THE 50% VARIATION REQUIREMENT.

Commissioner Sullivan requested that if staff determines that the common lots are part of this project application, that she would like to see an extra point awarded to the project for exceptional design, in order to reward the possibility that there is another approach to housing design. Commissioner McMahon concurred with the request.

THERE WAS TOTAL AGREEMENT AMONG THE COMMISSION WITH THE GENERAL CONCEPT POINT-OF-VIEW OF COMMISSIONER SULLIVAN. HOWEVER, AND AS STATED BY COMMISSIONER MUELLER, THE MAJORITY OF THE COMMISSIONERS DID NOT FEEL A PRECEDENCE SHOULD BE SET BY AWARDED AN EXTRA POINT TO THIS PROJECT ON

THOSE BASIS AT THIS TIME.

THE CONSENSUS OF THE MAJORITY OF THE COMMISSION WAS THAT THE REQUEST SHOULD BE PUT BEFORE THE REVIEW COMMITTEE FOR CONSIDERATION, AND IF IT IS DETERMINED THAT IT CAN BE DONE, THAT TIGHTER GUIDELINES SHOULD BE PUT IN PLACE BEFORE IMPLEMENTATION.

**2) SR-99-21:
BUTTERFIELD-
ARCTEC/
SOUTH BAY
DEVELOPMENT**

Chairman Pinion opened the public hearing. Sandy Harris, project applicant, stated that he had met with PM Rowe and AP Tolentino, and came up with some ideas that would further soften the building design. PM Rowe requested further direction from the Commission with regard to the modified building design, stating that Staff still does not feel that the changes made by Mr. Harris fully addressed the direction given by the Commission at the November 9th meeting. Mr. Harris provided supporting comments for his new building design. Commissioner Sullivan stated the building design is now far more acceptable to her, based on the itemized list of additional changes in the staff report which Mr. Harris expressed a willingness to incorporate.

Chairman Pinion closed the public hearing.

Commissioner Ridner said that he is still in favor of the building design; Commissioner Kennett commented that she is also more in favor of the modified building design, but would like to keep the notches, and not have the pop-out features straight across the building, as she felt the step down also creates a lowering effect of the building. Commissioner McMahon stated that she liked the step down feature, but would also like to see more roofing so that the building would be softened. She also suggested to Mr. Harris to reconsider the pitched roof and raising the height of the building a couple of feet to accommodate the effect of the pitched roof, and as an alternative for softening the appearance of the building, and thereby fulfilling the initial recommendations of the Commission. Commissioner Mueller felt that improvement has been made in the building design, and that heavy landscaping on the Butterfield Blvd. side will also help with the softening of the building. He stated that the trees should be large enough so that it will not be any more than a couple of years before the full effect of the trees is achieved. Commissioner Mueller expressed concern with not knowing who the developer of the land area will be, stressing that extreme care should be exercised during the subdivision review, and that the area should be treated more like a park instead of an single piece of property. Commissioner Lyle stated that he is very much in favor of the new building design. He felt by lowering the overall height of the building by 4 ft. helps get rid of some of the massiveness of the building. Chairman Pinion stated that he liked it before, and think that it is even better now.

THE COMMISSION UNANIMOUSLY AGREED WITH THE MODIFICATIONS REFLECTED IN THE EXHIBIT OF THE NEW BUILDING DESIGN, AND THE ITEMIZED ADDITIONAL CHANGES AS STATED IN THE STAFF REPORT, EXCEPT THE FEATURE TO HAVE REVISED POP-OUT FEATURES STRAIGHT ACROSS THE BUILDING VERSUS HAVING NOTCHES WAS DELETED.

Upon the request of Commissioner Mueller, PM Rowe introduced and recognized the members of the Staff Measure P Review Committee and clerical support, who contributed numerous hours with the review and processing of the Measure P applications.

b) MP-99-13: E. CENTRAL-CENTRAL PARK: A request for Measure P allocations for Fiscal Year 2001-2002. The project consists of 69 single family residential dwellings on 23.90 acres on the northerly extension of Calle Hermosa, north of Central Avenue. PM Rowe made a brief presentation regarding the project, and stated that there were no recommended adjustments by staff at this time.

Chairman Pinion opened the public hearing.

Scott Schilling, project applicant, addressed the Commission stating that he had a global issue with how the Schools criterion B2b and Circulation Efficiency criterion B5 were scored. He stated that they received full points for both of those categories in last year's competition. Under criterion B2b, Mr. Schilling stated that the project is within 3/4 of a mile from El Toro Elementary School, and indicated that they have installed the street and the sidewalk to the School, which they did not receive points for because the project is a phased project and this is not the final phase of the project. He, therefore, requested a total of 3 points for the 2 categories. Mr. Schilling said that in the past, except for the last two year's competitions, they always received points for commitments made at the beginning or the end of the project, for improvements installed throughout the Measure E or Measure P competitions. He pointed out how the project was effected by not receiving those points, and stated that he felt that credit should be given throughout the project if the improvements have been installed. Mr. Schilling answered questions from the Commission.

Chairman Pinion closed the public hearing.

PM Rowe commented on Staff's position on the scoring items raised by Mr. Schilling. He stated that Staff will relook at the Schools category criterion B2c for this and all the other projects, based on the earlier Commission consensus for Staff to do so. PM Rowe further pointed out that Mr. Schilling wanted Staff to go one step beyond that and truly do a cumulative project to-date evaluation of those benefits, and if points were given to prior years for those, then those points should be carried forward regardless of whether those per unit costs decline by virtue of having more units to offset that expense. **PM Rowe stated that Staff would also be willing to go back and relook at this issue to see if points were indeed given a year ago, in an attempt to ensure consistency in the points given to the project.**

Commissioner Lyle addressed a global issue, stating that under Orderly and Contiguous criterion B5, with regard to the number of points to be awarded, that when the policy was changed, it was specifically said by the subcommittee that they wanted to start with the Master Plan and look at the entire boundary, and that the project would receive credit for any undeveloped boundary they filled in. He continued by stating that he believed that Staff had evaluated this item for this project based on this year being the first year of the Master Plan, and that he felt that projects that have already filled in some borders should

be grandfathered in. Commissioner Lyle said that he felt this project and several others should get points as if they are submitting a Master Plan with an entire boundary filled in, just as it is being done with the new projects. **PM Rowe stated that Staff will go back and review the Orderly and Contiguous criterion B5 for this project.** Commissioner Lyle also had specific questions of Staff regarding the criteria under Schools B2c, and Open Space B1a. Commissioner Ridner, stated that it seems there is a metric used for the Schools category, but it seems to him that for offsite improvements there exist an open-ended, very subjective criteria, which does not seem reasonable to him.

IT WAS ALSO THE CONSENSUS AMONG THE COMMISSION FOR STAFF TO GO BACK AND REEVALUATE THIS PROJECT AND ALL OF THE OTHER PROJECTS UNDER THE CIRCULATION EFFICIENCY CRITERION B5C REGARDING THE OFFSITE IMPROVEMENTS FOR PREVIOUS PHASES.

Commissioner Ridner further stated that he was trying to get back to the "level playing field" strategy, to the extent that the scoring situations that might occur where no metric exist, thereby putting the developer at a disadvantage so that next year they will try to come up with a system that will buck the system. He felt that the Commission should attempt to rectify the issue at this time. PM Rowe proposed that if within a greater number of categories or all categories that everything should be evaluated on a cumulative project to-date basis, that would be something that would be referred to the subcommittee to incorporate into the changes of the scoring criteria, and would apply to next year's competition. Commissioner Lyle agreed with PM Rowe, with the exception of criterion B5c under the Circulation Efficiency category. He stated that criterion B5c is so very much like the Public Works offsite improvements, and that he considers them to be equivalent, and proposed that it should be evaluated using the same metric and be looked at for this year's competition. Commissioner Lyle added that he felt the remaining issues should be referred to the subcommittee for consideration at a later date.

c) **MP-99-14: SANTA TERESA-QUAIL MEADOWS:** A request for Measure P allocations for Fiscal Year 2001-2002. The project consists of 6 single family detached dwellings on 7.02 acres on the west side of Santa Teresa Boulevard, north of Native Dancer Drive. PM Rowe gave a brief introduction regarding the project, and advised that a 1point deduction had been made in the point assignment under the Orderly & Contiguous category.

Chairman Pinion opened the public hearing.

Scott Schilling, project applicant, indicated that the project has gone through the Measure P process since 1990, and added that because there are only 6 units in the last phase of the project, it is having real problems scoring well in the Housing Types and the Circulation Efficiency categories. He said that his recommendation would be to change the Micro P competition back to 6 units and allow them to go back to that competition. Mr. Schilling requested 1 point under the Orderly & Contiguous criterion B5, stating that even though they do not have a large site to work with, he felt that the site does provide an important density transition to the R-1 and R-2 parcels east of the project and the County 20-acre parcels west of the project site. Under the Housing Types criterion B3, Mr. Schilling

requested 4 points, explaining that because the project consist of 1-acre lots and each home must be designed individually for each lot, the home sizes they put in were conceptual. He committed that they will ensure the home sizes meet the 50% variation requirement when they get down to the final design of the homes. Mr. Schilling requested 1 point under the Circulation Efficiency criterion B3c, indicating that he feels that the project is so small that they do not have the opportunity to provide the looping street patterns, but the drive aisles are designed to meet all of the City safety and parking standards. Under criterion B3d of the same category, Mr. Schilling requested 1 point, stating that they do eliminate an existing stub street interior to the project and, although minimal, turned it into a cul-de-sac. Lastly, Mr. Schilling indicated that under the Circulation Efficiency criterion B4b that they lost 1 point because the storm drain easement is located adjacent to the sideyards of lots 2 & 3 and a 40 ft. tower easement. He stated that he did not feel they should be penalized for those existing easements, and requested 1 point be allowed. Mr. Schilling addressed questions from the Commission.

Chairman Pinion closed the public hearing.

PM Rowe and AE Creer provided Staff's responses with respect to Mr. Schilling's comments and requests for point adjustments, and answered questions posed by the Commission.

IT WAS THE CONSENSUS OF THE COMMISSION TO ADD 1 POINT TO CRITERION B3D FOR THE STUB STREET UNDER THE CIRCULATION EFFICIENCY CATEGORY.

d) MP-99-15: SUNNYSIDE-SUNNY OAKS: A request for Measure P allocations for Fiscal Year 2001-2002. The project consists of 52 single family dwellings on 11.3 acres at the northeasterly corner of Sunnyside Avenue and Watsonville Road. PM Rowe gave brief a description of the project. He noted that a 2 point deduction adjustment was made to the Housing Type category because the small project plan model A and the large project plan Model E does not meet the size requirement.

Chairman Pinion opened the public hearing for comments.

Scott Schilling, project applicant, indicated that he would like to meet with Staff to review the Housing Types category, as he still believes that the project meets the 50% variation requirement. He requested a 1 point consideration under Schools criterion B2ii because he felt that if you cross through Paradise Park, you would be within 3/4 of a mile from the Paradise School site. Mr. Schilling felt they should receive 2 points for criterion B2c for their \$15,000 commitment for the number of allocations they are requesting for this phase of the project. He further pointed out that criterion B3 was marked "Yes" in error and that 2 points should be deducted, as the project is not in the Mello-Roos District. Mr. Schilling stated that under Open Space criterion B1c, there are significant private pathways that provide access to the park and open space areas in this project, and that he felt that they merit 1 point. Lastly, Mr. Schilling requested a total of 3 additional points under the Quality of Construction category for the following criteria: 1) B3b, 1 point, stressing that the type of water sprinkler timer to be installed exceeds the City code requirements and

provides reduced water usage; 2) B4d, 1 point, stating that he believe that the 18" deep footing does exceed code; and 3) B5e, 1 additional point, indicating that a consistent level of high quality architectural relief and detailing on the project building elevations is provided. Mr. Schilling responded to questions from the Commission.

Chairman Pinion closed the public hearing.

PM Rowe indicated staff would be willing to review the distance from the site to the nearest school to consider awarding 1 point for criteria B2aii. CBO Washko responded to Mr. Schilling's comments and point requests, clarifying why 1 point was not awarded for criteria B3b (a non-code item), and B4d (No soils report to confirm at this time), and why the 1 additional point was not given for criterion B5e (point deducted because trellises on the back of the windows are too horizontal with items that protruded outside the house, and it was felt that they did not provide a true sense of trellises). Chairman Pinion pointed out that the Commission has almost always consistently held that if a project has not made the commitment, then credit has not been given, even though they felt it was the intent.

IT WAS THE CONSENSUS OF THE COMMISSION FOR STAFF TO REEVALUATE THE DISTANCE FROM THE PROJECT SITE TO THE SCHOOL SITE UNDER THE SCHOOLS CATEGORY CRITERION B2aii.

THE CONSENSUS OF THE COMMISSION WAS FOR STAFF TO REVIEW THE MELLO-ROOS CRITERION B3 UNDER THE SCHOOLS CATEGORY FOR ALL THE PROJECTS.

THE CONSENSUS OF THE MAJORITY OF THE COMMISSION WAS NOT TO AWARD AN ADDITIONAL POINT TO THE PROJECT FOR CRITERION B4d OF THE QUALITY OF CONSTRUCTION CATEGORY BASED ON THE INTENT OF THE COMMITMENT.

Commissioner Kennett indicated that she questioned if the majority of the units in this project are viewing the open space area, and requested PM Rowe to advise which units are actually facing the open space area and how they are counted.

e) **MP-99-16: E. DUNNE-TOVARE ASSOCIATES:** A request for Measure P allocations for Fiscal Year 2001-2002. The project consists of 48 single family residential dwellings on a 18.56 acre parcel located on the south side of East Dunne Avenue approximately 700 feet west of Hill Road. PM Rowe gave a brief presentation of the project.

Chairman Pinion opened the public hearing to public comments.

Tom Merschel, project applicant, 9781 Blue Larkspur Lane, Monterey, requested the Commission to reconsider the scoring and award 1 point under the Open Space category criterion B1c with regard to the internal access pathways provided by the project to a series of parks, as he felt the scoring of this item was an oversight, because the item had

been awarded the point in the Measure P pre-scoring, and that there had been no change to the design nor the narrative response. Mr. Merschel also requested consideration of the Commission to allow 1 additional point for the scoring of the Schools category criterion B2c, stating that they inadvertently failed to specifically indicate on their narrative their proposed contributions for school safety improvements, which is the same verbiage noted in criterion B2f2 under the Public Facilities category. He pointed out that under the Public Facilities category they included the commitment in the Public Works criterion B2f2 and received 1 point, and he also indicated that he had calculations completed by his civil engineer evidencing that they have \$52,000 of improvements for 48 lots. Mr. Merschel responded to questions from the Commission.

Chairman Pinion closed the public hearing.

PM Rowe responded to Mr. Merschel's request regarding the Open Space criterion B1c, internal pedestrian access pathways to parks, and indicated that the project is entitled to 1 point; however, 1 point is also being taken away because the project also subtracted the BMR from the open space calculations when the BMR units were not the result of the density bonus. Therefore, the lot coverage is actually 20%, which reduces the score to 8 points from 9, resulting in no change in the net total points for the Open Space category.

PM Rowe also stated that Staff will look at the information in the Public Facilities category to consider the additional point under the Schools category criterion B2c.

Commissioner Lyle felt that Staff should also go back and look at all the other projects to see if they may have omitted the public improvements information in both the Public Facilities and the Schools categories.

Commissioner Lyle addressed a problem he had with projects getting points two different ways under the Public Facilities category. In response to Commissioner Lyle's inquiry, AE Behzad advised the Commission that the applicant had committed to install the water grid regardless of whether or not the Morgan Meadow project is completed. Commissioner Lyle then questioned criterion B2b under the Natural and Environmental Features category with respect to using various RPD development practices to protect the open space. He felt that this project is less entitled to points in this area than the Central Park project. PM Rowe provided the Commission with an explanation of Staff's scoring methodology for criterion B2b.

THE COMMISSION DID NOT FEEL STAFF NEEDED TO REVIEW CRITERION B2B UNDER THE NATURAL AND ENVIRONMENTAL FEATURES CATEGORY.

f) **MP-99-17: CENTRAL-PACIFIC UNION HOMES:** A request for Measure P allocations for Fiscal Year 2001-02. The project consists of 41 single family attached residential dwellings on 7.53 acres on the north side of E. Central Avenue at the northerly extension of Calle Mazatan. PM Rowe gave a brief description of the project, stating that a 2 point adjustment was made in the Housing Types category.

Chairman Pinion opened the public hearing.

Chris Garwood, project applicant, provided supporting comments for his request for point adjustments for the following categories: 1) Open Space criterion B1c - 1 point requested. He pointed out that they already have access directly from many of the homes, and that the pedestrian and bicycle pathways that they have provide access to the one open space which is not directly in front of the homes; 2) Lot Layout and Orientation criterion B1f - 2 points requested. Mr. Garwood stated that he feels that the project lot layout is superior, not average, based on the fact that the project have lots that are 40-45 ft. in width, where the normal lot width for R-2 density is 30-35 ft. in width, and that they also have a variety of setbacks and orientation of the homes; 3) Circulation Efficiency criterion B4b - 1point additional point requested. The applicant stated that they have provided a landscape area behind lots 39 and 40 to be maintained with their other proposed open spaces in order to avoid a double frontage lot layout.

Chairman Pinion closed the public hearing.

PM Rowe indicated that Staff did not agree that the Lot Layout and Orientation criterion B1f should be evaluated as superior. He stated that staff will be reviewing the Schools category criterion B2c for the project for consideration of another point assignment, if the applicant is able to indicate elsewhere in their narrative that they make reference that their intent is to install lights at Central Avenue where lights obviously do not exist. DFM Hokanson confirmed that a typo exist under the Safety and Security criterion B2, and the point should be 1 not 1/2.

THE CONSENSUS OF THE MAJORITY OF THE COMMISSION WAS FOR STAFF TO DO A GLOBAL REVIEW OF THE OPEN SPACE CATEGORY CRITERION B1C.

g) **MP-99-18: BUTTERFIELD-THE DESILVA GROUP:** A request for Measure P allocations for Fiscal Year 2001-2002. The 109 unit condominium project is located on a 7.77 acre parcel on Diana Avenue and Butterfield Boulevard, adjacent to the Union Pacific Railroad line. PM Rowe gave a brief presentation of the project, and reviewed the point adjustments made under the Open Space, Orderly and Contiguous, Housing Types, and Lot Layout categories, which increased the overall project score by 6 points.

Chairman Pinion opened the public hearing.

Dick Schwedhelm, project manager, 11555 Dublin Blvd., Dublin, addressed the Commission regarding a global issue which he feels is an inequity regarding the standards and criteria for the multi-family housing versus detached single-family homes. He pointed out the written document provided to the Commission that identifies the items that they received zero points for, and which he felt gives the single-family projects an unfair advantage over his "for sale" multi-family projects. Mr. Schwedhelm also pointed out the landscaping plans provided to the Commission, and then requested point adjustments in the following categories: 1) Schools criterion B2c, school safety - 1 additional point requested because he stated that they have exceeded the \$1,000 per unit cost. He stated that they have not provided that information to Staff, but could do so through their civil engineers; 2) Open Space criterion B1a, setbacks - 1 additional point requested because

he stated that 50% of the project open space buffer along Butterfield Blvd. does in fact exceed the 30 ft. setback requirement by 4 ft.; 3) Orderly and Contiguous criterion B5, project Master Plan- 1 point requested because he feels the project should be evaluated on a multi-family project basis, as he feels it does in fact meet the intent of the standards and criteria in terms of the internal street circulation, access requirements, appropriate transition of density at the low end of R-3, and use of the common open space areas; 4) Public Facilities criterion B1f, public facilities improvements - 2 additional points requested for the complete surface improvements proposed; 5) Lot Layout and Orientation criterion B3a, setback variation - 1 point requested because Staff did not award this item a point based on "no variation in building placement provided". He feels it was not the intent of the item, and that it is a deviation of the criterion. Mr. Schwedhelm further added that he feels that the project has consistently provided a 4 ft. setback between adjoining units and buildings; 6) Circulation Efficiency criterion B2, public transportation - 1 point requested because of the ideal location of the project next to the Cal Train Station, and the associated parking and adjoining bus transit facilities; 7) Circulation Efficiency criterion B3e, short blocks - 1 point requested because this multi-family project proposes only private streets. The private street intersections with the public street are at distances in excess of 260 ft., thus avoiding short blocks; 8) Circulation Efficiency criterion B3i, cul-de-sacs - 1 point requested because the project is creating a fully improved cul-de-sac at Diana Avenue, there are no off-set intersections, there are private and public street intersections on Diana Avenue and Butterfield Blvd., and that the project has provided for a turnaround for Phases I and II and the future phase; 9) Natural and Environmental Features criterion B1dii, existing trees - Mr. Schwedhelm stated that they will be saving two of the three significant size trees, and that they are willing to relocate the third tree once a horticultural evaluation has been completed indicating that it is worth moving. Also, under criterion B1diii, preservation of environment - 2 points requested because he feels the project is substantially preserving existing trees and proposing minimal grading; 10) Lot Layout and Orientation criteria B1a and B1b, lotting - requested 2 points total because he feels that their project should be evaluated on overall excellence of the site layout and not just the lot layout; 11) Circulation Efficiency criterion B3b, street extensions, noted as an unfair advantage because the project cannot meet the criterion because the street extensions are not needed or even possible, so he felt that Staff comments do not apply; and 12) Safety and Security criterion B4, fire sprinklers - 3 points requested because sprinklers are a requirement for multi-family projects, and no points were allowed. He, again, felt that Staff comments did not apply, and that he also considered this criterion was an unfair advantage because single-family projects have an opportunity to gain 3 points in this category. In conclusion, Mr. Schwedhelm pointed out that the Housing Element of the General Plan encourages a variety of housing types and densities within the community. Therefore, he was requesting the Commission to apply the standards and criteria in such a way that gives his multi-family project the same ability to fulfill the intent of the General Plan in the R-3 zoning. He said that this could only be done if adjustments are made in the current standards and criteria to score points in those categories determined not to be applicable. Mr. Schwedhelm responded to questions from the Commission.

PM Rowe stated that based on the testimony of the applicant, Staff will review the Schools category criterion B 2c, and adjust the Lot Layout criterion B1f by 1 point

as a result of the rating change of the overall excellence of lot layout to "above average". PM Rowe responded to the global issues raised by Mr. Schwedhelm by stating that in the past those issues have been dealt with by putting a set aside for a separate competition for the multi-family or rental projects, and having them compete against each other.

Commissioner Lyle made general comments, pointing out that currently the General Plan requirement is being met because there is a 20% set aside for affordable housing which has always met with multi-family. Secondly, he stated that after reviewing the criteria addressed by the applicant in his letter, that he felt that during the next criteria changes that they should evaluate whether or not some changes should be made, especially in the R-3 zoned area. The other point he made was that in some areas there are more points available than you can score, so even though the multi-family project may not be eligible to get points in some of the areas, they might still be able to get the maximum points allowed. Commissioner Sullivan stated that she agreed with Commissioner Lyle, and said that she did not have any problem with "for sale" multi-family units, but she did not see a category that would allow or encourage the kind of diversity or variety that is desired on each lot within these categories. She added that criteria should be developed that would give credit for variety and diversity so that you do not have fortresses and standardized units, and that it would also encourage variety within the site.

Commissioner Lyle then made comments specific to the project under the Schools criterion B2b. He stated that he did not feel that the project should have received the point, as there is no safe walking route between the site and the school. He added that, on the other hand, what they propose under B2c would gain them the point back. **He requested Staff to review criterion B2b under the Schools category to confirm the scoring.** Commissioner Lyle also received clarification from Staff under the Circulation Efficiency criterion B3f, that the applicant was indeed eligible for scoring points for this item, but because they did not meet the 20 ft. clear view back-out distance between the enclosed garage space and drive aisle, they did not receive a point.

Commissioners Mueller and Sullivan stated that they did not agree that the project should be given a point for above average lot layout as indicated by Staff.

h) MP-99-19: E. MAIN-PACIFIC UNION HOMES: A request for Measure P allocations for Fiscal Year 2001-02. The project consists of 31 single family attached residential dwellings on 5.13 acres on the south side of E. Central Avenue west of Calle Mazatan. PM Rowe gave a brief description of the project. He stated that there were adjustments recommended to the Schools criterion B2b, and that will also review the item relative to the metric standards for the possibility of another point adjustment, and that under the Open Space criterion B1c, Staff will review this item for all the projects. PM Rowe also Stated that staff was recommending a net change of 2 additional points for the project after having reviewed the Housing Types criterion B1a (corrected total points to maximum of 15); Lot Layout category (changes made resulted in no change in the overall category score); and the Natural and Environmental Features criterion Ble (1 point deduction). The revised project score totaled 171.

Chairman Pinion opened the public hearing.

Chris Garwood, project applicant, addressed the Commission regarding the Orderly and Contiguous criterion B5, project Master Plan - 1 point requested because the project has two open spaces that are oriented to serve both private and public access. He stated that he disagreed with the decision of Staff that it is an inferior site plan design. Mr. Garwood also stated that he was not aware that burrowing owls exist on the site, and requested Staff to relook at criterion Bei and provide an explanation of why that conclusion was reached.

PM Rowe stated that under the Lot Layout criterion B1a, side yard variation - that the excess in the minimum required distance is not provided between the units. The examples given by applicant represent corner lots, which result in no change in the score. PM Rowe also stated that Staff received a letter from the Dept. of Fish and Game indicating that this project site is located adjacent to a burrowing owl nest site. Commissioner McMahon stated that she felt it was an issue of notice, and did not feel it fair for the applicant to lose a point if he was never noticed and given the opportunity to mitigate the problem. Chairman Pinion agreed with her comments.

IT WAS THE CONSENSUS OF THE COMMISSION TO GIVE THE APPLICANT 1 POINT FOR THE BURROWING OWL ISSUE.

Commissioner Lyle, under the Natural and Environmental Features criterion B1diii regarding the preservation of trees, questioned whether the metric is consistent in determining whether points are awarded under this criterion, as he was not sure that 1 point is warranted for the 1 oak tree that is being preserved in the Phase I-II portion of the project in relation to the total number of units (77) in the project.

IT WAS THE CONSENSUS OF THE COMMISSION THAT STAFF REVIEW WHETHER THE METRIC USED TO DETERMINE THE AWARDED OF POINTS UNDER THE NATURAL AND ENVIRONMENTAL FEATURES CATEGORY CRITERION B1diii IS BEING EVALUATED IN A CONSISTENT MANNER.

PM Rowe stated that Staff will be reviewing the criterion B2 under the Orderly and Contiguous category for all the projects.

i) **MP-99-20: MURPHY-NEW CENTURY HOMES:** A request for Measure P allocations for Fiscal Year 2001-02. The project consists of 43 single family attached residential dwellings on 6.77 acres located on the west side of Murphy Avenue opposite Kelly Park Circle. PM Rowe gave a brief description of the project, and reviewed the scoring adjustments recommended by Staff as follows: 1) Parks and Paths, the typo was corrected which changed the maximum total points from 12 to 10; 2) Housing Types increased by 3 points, as two housing types are proposed; 3) Landscaping total points corrected to 10 versus 9; and 4) Schools criterion B2ii adjusted by 1 point.

Chairman Pinion opened the hearing to public comments.

Johnny DaRosa, project representative, addressed the Commission, identifying the categories for which he was requesting additional points. He spoke firstly regarding the Open Space category, requesting 2 points. He stated that they purposely designed the frontage along Murphy Avenue with landscaping without any curb cuttings, in order to give the appearance of a classic French country design image. Under Public walkways, Mr. DaRosa felt that since the majority of the homes have open space access from the front and are located very close to the park, as it is a small site, that convenient access is provided and internal pathways from the homes to the park is not necessary. He noted that he felt there is a miscalculation under the Orderly and Contiguous category. Mr. DaRosa continued by requesting clarification of the scoring under Lot Layout, where he received 1 point, as he felt he should have received either zero or 2 points. Under Circulation Efficiency criterion B1, Mr. DaRosa stated that they never proposed any Class-one bike paths and requested further clarification. Lastly, under Circulation Efficiency criterion B3i, he stated that the stub streets are less than 150 ft. and that turnarounds are required when 150 ft. stub streets are proposed.

PM Rowe responded to Mr. DaRosa's comment regarding the incorrect score for the Orderly and Contiguous category, indicating that the score was reviewed by Staff and 13 is correct, as 1 point was deducted based on the overall Master Plan evaluation. AE Creer answered the question posed by Mr. DaRosa regarding criterion B1 under the Circulation Efficiency category, stating that the General Plan does not currently show a detached or Class-one bike path being installed along Murphy Avenue. The detached bike path proposed by the project does not ultimately go anywhere, so it would not be a benefit to the project. AE Creer also clarified the stub street turnaround issue mentioned by Mr. DaRosa, stating that in both cases on the extensions, that people will not be able to turnaround without having to use the residents' driveways or backing out of the extensions, in which case neither would be a desirable situation.

Commissioner Kennett commented that under Lot Layout criterion B2a that this is another instance where she was not sure that she could justify that the majority of the units view open space area, as the buffer did not seem to her to qualify for open space.

STAFF WAS REQUESTED TO REVIEW CRITERION B2a FOR ALL OF THE PROJECTS. STAFF WILL ALSO REVIEW ALL THE PROJECTS TO CLARIFY WHETHER THE POINT REQUIREMENT FOR CRITERION B3d UNDER THE LOT LAYOUT AND ORIENTATION CATEGORY SHOULD BE 2 POINTS OR UP TO 2 POINTS.

Commissioner Lyle requested clarification why the project did not receive points under the Public Facilities criterion B2d with regard to whether the storm drainage is expandable into future area-wide or adjacent development. AE Behzad stated that in the past they have questioned why the applicant feel the detention pond that they provide is oversized, and even though Staff added that the notation to the narratives, the applicant did not provide an explanation.

AP Tolentino responded to Commissioner Lyle's question why the project received a "poor design" rating for the Master Plan criterion B5 under the Orderly and Contiguous

category. She stated that 1 point was deducted because she felt the overall Master Plan tried to include as many units as possible, but did not provide enough useable open space for each unit. The Commission agreed with her response.

j) **MP-99-21: SAN PEDRO-LUPINA:** A request for Measure P allocations for Fiscal Year 2001-2002. The project consists of 25 single-family detached dwellings and 12 single-family attached dwelling units on 8.43 acres on the easterly extension of San Gabriel Avenue, south of San Pedro Avenue. PM Rowe gave a brief description of the project, and reviewed the scoring adjustments. He indicated that staff is recommending a 2 point increase in the Housing Types category; and a 1 point reduction under the Circulation Efficiency category; and no change in points under the Lot Layout and Orientation criterion B1f. **PM Rowe stated that Staff will review the Open Space criterion B1c for all the projects.** AE Behzad stated that the applicant is requesting a total of 2 points under the Public Facilities criterion B2f, as 1 point was awarded. She said the scoring is consistent with last year's for this project, and that after comparing the project with other projects, and considering the number of units in this project, she felt the 1 point adequate. AE Behzad added that they are claiming street improvements, but half of the street is already a requirement of the project, so consideration is given for only the improvements for the other half of the street.

Chairman Pinion opened the public hearing.

Tony Lupina, project applicant, presented supporting comments for point adjustments in the following categories: 1) Schools criterion B2b, 1 point requested because he feels they will be providing continuous sidewalk pathway for the existing development to the west of the project site, and they currently have a continuous sidewalk along San Pedro Avenue to the School site; 2) Open Space criterion B1c, 1 point requested, This item will be reviewed by Staff for all projects, as previously mentioned; 3) Public Facilities criterion B2f, 1 additional point requested. Mr. Lupina stated that last year the project only received 1 point because the letter provided by the Tanimoto property owners was ambiguous with regard to the granting of the half street to one another. He further stated that they will be making improvements along with the Tanimoto property owners and the Chen property owners to the east; 4) Lot Layout criterion B1f, 1 point requested, as he feels the project is above average because when creating the cul-de-sac, they did not create a pass through for San Vicente, as well as they are putting the park in with a future park extension into the R-2 Tanimoto property. Mr. Lupina reiterated that this creates a flow for three properties and three projects, not only for the current, but for the future R-2 projects, one of which has a final map; 5) Natural and Environmental Features criterion B1d, 1 additional point requested, because they are preserving 2 oak trees, one of which is very large. Mr. Lupina answered questions from the Commission and Staff. Mr. Lupina confirmed that the continuous sidewalks are onsite, not offsite.

k) **MP-99-22: COCHRANE-COYOTE ESTATE:** A request for Measure P allocations for Fiscal Year 2001-2002. The project consists of 49 single-family dwellings on a portion of a 69.54 site located on the northeast corner of Cochrane and Peet Roads. PM Rowe gave a brief description of the project and reviewed the point adjustments as follows: 1) He stated that there was a lack of specificity in the applicant's narrative,

which prompted the District not to recommend the points, so he requested direction from the Commission; 2) He stated that Staff recommended that 1 additional point be awarded for the adjacent development, as Staff did run the numbers again based on the percentage of development that has been done to the site; 3) As far as the distance issue under criterion B3, PM Rowe commented that the project is located 4900 ft. from the center core; therefore, 1 point was awarded, in being consistent with the past years' scoring. PM Rowe stated that the applicant indicated that the open space elements along Peet Road and Cochrane extend the project perimeter closer to the central core area, but Staff view those frontage improvements as offsite improvements, as opposed to on the development itself. PM Rowe stated that Staff do not see that as bringing the project any closer to the core, so no change was recommended for this item; 4) Under Lot Layout, criterion B1f, the project was considered to be average in its scoring, and Staff is not recommending any change in the points; 5) Under the Open Space category, as with a number of other projects, this project subtracted the BMR areas from the open space calculations when the BMR units are not a result of density bonus. Therefore, the lot coverage is approximately 22% and is entitled to 8 points, which is why Staff recommended the 1 point deduction; 6) Orderly & Contiguous, Staff recommends a 1 point adjustment; and 7) A 1 point correction was made to the Circulation Efficiency category. Staff's recommended adjustments resulted in a net change of 1 point, making the overall total score 168.

Chairman Pinion opened the public hearing to comments.

Dick Oliver, project applicant, 225 Saratoga Avenue, #105, Santa Clara, addressed the Commission, stating that he takes exception to Staff's interpretation that the BMR units are not to be subtracted from the open space calculations when the BMRs are not a result of density bonus. He stated that what he thinks Staff is saying is that if you increase the density and make use of the BMRs, that you increase your density; therefore, you do not have to count the BMRs, and that does not ring true to him. He requested Staff to review this issue because the park was intended to be part of, not just a frontage improvement, but was designated to be part of the additional open space and should not only count for the distance from the central core, but also as part of the project. Mr. Oliver stated that if Staff review the language in other sections of the narrative, that they will find where it indicates that additional park area is being added, not only to extend the orderly and contiguous area by 150 ft., but also as additional open space for calculation recoverage in the open space.

Mr. Oliver then stated that he had met with Martell Taylor of the MHUSD, and asked what he could do to score points under the Schools category. He said that Mr. Taylor replied by letter that the School District needed to do some studies in order to determine what they needed to do, and that as long as he was willing to make the commitment he would receive the points. Mr. Oliver pointed out that letter dated October 6, 1999 to the Commissioners. He continued by indicating that after the applicants received the new Schools criteria, which changed that area point structure from 1 point to 2 points, he sent a fax to Mr. Taylor again asking what they would be required to do, as they wanted to commit to do the offsite pedestrian improvements in order to score 2 points. Mr. Oliver then said that he met with Mr. Taylor who advised him that as long as he commits to the improvements equivalent to \$1,000 per unit per point, he could score the 2 points. Mr.

Oliver said he committed to the \$1,000 per unit to score the 2 points under the Schools category, but they were not awarded any points. He feels that for him not to receive points because he was not specific is totally unfair, as he also feels that he did everything he possibly could.

Mr. Oliver continued by stating that under the Orderly and Contiguous category that they did add the area in the park, not only just the frontage improvements, but the park area along the right side of the lower section, which extends the project 150 ft. closer to the core and should entitle them to a point. Mr. Oliver requested a total of 2 additional points for the project Master Plan criterion. He stated that he feels the rating of "average" would haunt the project for every future competition, adding that his site plan was fixed 4 years ago, well before the criteria was implemented, and that he has no ability to change it. He reviewed the following items that have been done to enhance the site plan to an "above average" rating: 1) Over 60% of the lots are on highly desirable cul-de-sacs; 2) The project provides access to Malaguerra and all the park land, and extended Peet for direct street access to the future part of the site; 3) Under density issue, he stated he gave up 20 units by down-zoning the entire lower section of the property to create a lower density which is more compatible with the neighborhood; 4) He stated that transition was fully accomplished, not only in going from smaller lots at the bottom portion of the site, but also by going to the larger lots along Cochrane and the back upper area. Mr. Oliver stated that the project have a Master Plan that show BMRs, attached market rate, and custom lots, which he feels is more than just "average". He further pointed out that they donated one park to the County, and that the project has three parks. Under Lot Layout, Mr. Oliver stated that he feels that the lot layout is "exceptional", and raised the same comments mentioned under the project Master Plan design criterion. Under Circulation Efficiency, he thought that the points were added incorrectly, and that the total should be 15. AE Creer responded that the point that was not received was with regard to the bus shelter. Under Open Space, with respect to the historical site being adjacent to the project site, Mr. Oliver stated that the winery is on County property, and that the reason they did not get the point is that the winery is not considered to be adjacent to the project site. He pointed out that they put in a pathway all the way to the location of the Winery, and he feels that they are entitled to 1 point for creating access to the winery, which is indeed a historical site. Under the category Circulation Efficiency criterion Bd, they eliminated some half streets which would have existed along Eagle View. He stated that they went to the County and negotiated a dedication of the extra portion of the site, and put in the full improvements, including the curb and gutter. Mr. Oliver stated that he feels this, in a sense, is like a global issue, as he has paid the money and that it effects the entire project. He feels that this phase should get credit for those improvements, as they were fairly expensive to complete.

Mr. Oliver stated that the City Council has a policy of trying to get projects finished, and this project will be out of allocations after this year. He said that the initial application was made for the project in 1987, and that this is the eighth application. He went on to say that the project has gone on for 12 years, and that they still have another 4 or 5 years before completion. Mr. Oliver indicated that he can take any number of allocations. He stated that for the record, based upon the Cochrane Northern Assessment District legal issues and the existing judgment, he believes the project is entitled to 7 extra points that he raised

with respect to the Orderly and Contiguous category.

Chairman Pinion closed the public hearing to further comments.

PM Rowe again requested direction from the Commission regarding the Schools issue raised by Mr. Oliver, as the letters provided by the applicant indicate that Mr. Oliver made a concerted effort to meet the requirements in order to get the 2 points. Commissioner Mueller stated that he was willing to give Mr. Oliver the benefit of the doubt, based on the documentation provided, evidencing that the applicant made a "good faith" effort. Chairman Pinion stated that it seemed to him that there has been a commitment made by the applicant to spend \$1,000 per unit in any way the School District found fit in the future.

IT WAS THE CONSENSUS OF THE COMMISSION THAT 2 POINTS BE ALLOWED FOR CRITERION B2c UNDER THE SCHOOLS CATEGORY FOR THE COMMITMENT THAT WAS MADE BY THE APPLICANT.

PM Rowe commented on the open space issue, indicating that the applicant stated that the open space elements on Peet extend the project perimeter to the central core by 150 ft. However, by comparing the site plans of last year's competition to this year's competition, there were no changes that would bring the project location closer to the central core. He also stated that there was a notation on the project site utilization and offsite utility plan that indicated +/- 5030 ft. to the core, which is in excess of the 4900 ft. stated by the applicant. PM Rowe said that the notation on the plans suggest that the project is even further away from the core, and due to the conflicting information, Staff felt 1 point should be based on the 4900 ft distance, based on the score awarded last year. Mr. Oliver injected that under the Open Space category, paragraph 1a there is language that reads, "A new common area landscape buffer area is proposed along Cochrane Road.", which confirms that they specifically made reference to the section as "new area" to the project.

STAFF WAS DIRECTED BY THE COMMISSION TO REVIEW THE OPEN SPACE CATEGORY CRITERION B1a.

THE CONSENSUS OF THE MAJORITY OF THE COMMISSION FELT THAT THE OVERALL PROJECT DESIGN WAS "ABOVE AVERAGE", WHICH WOULD EFFECT THE CRITERIA UNDER CIRCULATION EFFICIENCY, ORDERLY AND CONTIGUOUS , AND LOT LAYOUT CRITERIA B1F.

PM Rowe provided clarification to Chairman Pinion regarding the basis of Staff's scoring of the historic Malaguerra Winery site. Commissioner McMahan wanted to know if there was anything that the applicant could do, with regard to the winery, in order to gain points. PM Rowe stated that the winery is in dire need of restoration, as it is a dilapidated structure which requires a lot of enhancements and improvements that could be done by the applicant to make it interesting for people to go visit.

D) MP-99-23: COCHRANE-MISSION RANCH: A request for Measure P allocations for Fiscal Year 2001-2002. The project consists of 33 single family units on

23.18 acres located south of Cochrane Rd., west of Peet Rd., east of Mission View Dr. (APN 728-33-001 and APN 728-32-001, 002 & 003 portion of)

COMMISSIONERS MUELLER/MCMAHON MOTIONED TO CONTINUE ITEM 3L PUBLIC HEARING TO THE JANUARY 18, 2000 MEETING. THE MOTION CARRIED 7-0.

OTHER BUSINESS:

**4) RDCS
APPLICATIONS**

The following Measure P (MP) applications have requested building allocations for Fiscal year 2001-2002 under the city's Residential Development Control System pursuant to Chapter 18.78 of the Morgan Hill Municipal Code:

a) **MP-99-24: LLAGAS-DELCO:** A request for Measure P allocations for Fiscal Year 2001-2002. The project to consist of 36 single-family detached and 4 single-family attached dwellings on 15.0 acres located on the south side of Llagas Road, between Carriage Drive and Shadowbrook Way.

b) **MP-99-25: E. CENTRAL-WARMINGTON HOMES:** A request for Measure P allocations for Fiscal Year 2001-2002. The project to consist of 44 single-family dwelling units on 13.69 acres located on the north side of Central Avenue, west Serene Drive (former East Lane).

c) **MP-99-26: MALAGUERRA-ANSUINI/MANCIAS:** A request for Measure P allocations for Fiscal Year 2001-2002. The project consists of 15 single-family detached units on a 4.83 acre parcel located on Malaguerra Ave., north of Cochrane Rd.

d) **MP-99-27: DIANA-SHELTON:** A request for Measure P allocations for Fiscal Year 2001-2002. The project consists of 34 single-family detached and 4 single-family attached dwellings on 15.65 acres located on the south side of Diana Avenue and the northerly extensions of Jasmine Way, west of Murphy Avenue.

e) **MP-99-28: DEL MONTE-PATEL:** A request for Measure P allocations for Fiscal Year 2001-2002. The project consists of 15 single-family attached dwellings on 2.77 acres located on the east side of Del Monte Avenue north of Wright Avenue.

f) **MP-99-29: HILL-GERA:** A request for Measure P allocations for Fiscal Year 2001-2002. The project consists of 11 single-family detached dwellings on 9.75 acres located on the west side of Hill Road between Jean Court and Pear Drive.

g) **MP-99-30: PEEBLES-MIYASAKA:** A request for Measure P allocations for Fiscal Year 2001-2002. The project consists of 7 single-family detached dwellings on 3.59 acres located on the north east and west sides of Clayton Avenue north of Peebles Avenue.

h) **MP-99-31: HALE-SHENG:** A request for Measure P allocations for Fiscal Year 2001-2002. The project consists of 13 single-family attached dwellings on 4.13 acres

located on the west side of Hale Ave., between Wright and Llagas Rd.

**DUE TO THE LATENESS OF THE HOUR, THE ITEMS LISTED UNDER
AGENDA ITEM 4 WERE NOT DISCUSSED.**

ANNOUNCEMENTS

S Joint study meeting regarding General Plan Update with the City Council, Planning Commission and the General Plan Task Force Committee. Scheduled for January 24, 2000 at the Friendly Inn at 7 p.m.

ADJOURNMENT There being no further business, Chairman Pinion adjourned the meeting at 11:25 p.m.

MINUTES RECORDED AND PREPARED BY:

FRANCES O. SMITH, Administrative Secretary

PLANNING COMMISSION MINUTES

JANUARY 11, 2000

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